IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH

JUDGMENT

Mohan Lal Vs. Board of Revenue Ajmer & Others
(SB Civil Writ Petition No.6535/1999)

SB Civil Writ Petition under Article
226 of the Constitution of India.

Date of order: November 14, 2006.

PRESENT

HON'BLE MR. JUSTICE SHIV KUMAR SHARMA

Mr. M.C.Jain, for the petitioner.

Mr. M.L.Goyal, Addl. Government Advocate for respondents.

BY THE COURT:

Challenge in this petition is the order dated June 12, 1996 of the Board of Revenue whereby the revision of the petitioner was dismissed and the order of the court below holding the appeal of the petitioner as time barred was affirmed.

2. Having heard the rival submissions, I noticed that the application of the petitioner seeking condonation of delay was duly supported by affidavit which remained uncontroverted and thus there was no reason to disbelieve the facts incorporated in the application.

3. Keeping in view the peculiar facts and circumstances of this case, I am of the opinion that with a view to do complete justice between the parties the following directions are required to be issued:-

(i) The application of the petitioner seeking condonation of delay is allowed.

(ii) The orders dated June 12, 1996 and July 5, 1999 of the Board of Revenue are set aside and the matter is remitted back to the Board of Revenue to consider the revision of the petitioner afresh on merits.

(iii) The parties are directed to appear before the Board of Revenue on December 4, 2006.

(iv) There shall be no order as to costs.

4. The petition stands allowed as indicated above.

(Shiv Kumar Sharma),J.

arn/